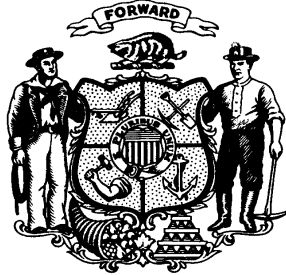


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TO: MEMBERS OF THE SUBCOMMITTEE ON REGULATION OF WITHDRAWALS, CONSUMPTIVE USES, AND DIVERSIONS OF THE SPECIAL COMMITTEE ON GREAT LAKES WATER RESOURCES COMPACT

FROM: John Stolzenberg, Chief of Research Services, and Rachel Letzing, Senior Staff Attorney

RE: Options Developed Regarding the Baseline Determination in the Great Lakes-St. Lawrence River Basin Water Resources Compact

DATE: January 10, 2007

At its January 8, 2007 meeting, your subcommittee discussed the baseline determination in the Great Lakes-St. Lawrence Water Resources Compact (“the compact”) in proposed s. 281.343 (4t) in LRB-0058/P1. Based on this discussion, the subcommittee developed the following options regarding the amount or level of the baseline:

1. Determine baseline by evaluating the design capacity of all components in a system, determining the peak daily flow for each component, and using the maximum capacity of the most restrictive component in the system.
2. Determine baseline by evaluating the design capacity of all components in a system, determining the peak daily flow for each component, and using the maximum capacity of the largest component in the system.
3. Determine baseline by evaluating the capacities of “brick and mortar” components at intake and at discharge points of a system.

Comment: This is based on a January 10th telephone conversation with Ed Wilusz.

4. Determine baseline by evaluating the capacities of individual components (peak daily flows) of a system, taking the maximum capacity of the most restrictive component, and establishing this as the “biggest average day.” Then, if at least one other component in the system has a capacity above the biggest average day, the baseline would be the lessor of double the biggest average day capacity or the capacity of the largest system component. This baseline would reflect the “biggest peak day.”

5. Determine baseline by evaluating the capacities of all components in a system, taking the component that has the maximum capacity, and assigning it as the “biggest peak day.” Then, take one-half of the biggest peak day to be the baseline. This baseline would reflect the “biggest average day.”

In addition, to providing drafting instructions on the amount of the baseline, the subcommittee should consider providing drafting instructions in response to the following questions relating to the baseline determination:

- What type of components should be used to set the amount or level of the baseline?
- What process should be used to determine the baseline value?

The subcommittee will be discussing these options, and any other options subcommittee members and others may develop, at the January 11, 2007 meeting.

Also at its January 8, 2007 meeting, information was requested regarding the federal Water Resources Development Act (WRDA) and the Department of Natural Resource’s interpretation and implementation of WRDA. These issues were discussed in Memo No. 5, *Comparison of Review and Approval Authorities or New or Increased Withdrawals and Diversions* (September 26, 2006 (revised October 10, 2006)).

REL:JES:tlu